

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                     |   |                  |
|-------------------------------------|---|------------------|
| _____                               | ) |                  |
| UNITED STATES OF AMERICA,           | ) |                  |
|                                     | ) |                  |
| v.                                  | ) | CRIMINAL ACTION  |
|                                     | ) | NO. 04-40011-NMG |
| LENNY JIMENEZ-BELTRE <sup>1</sup> , | ) |                  |
| a/k/a, Tony Perez,                  | ) |                  |
| a/k/a, Hector Rivera,               | ) |                  |
| a/k/a, Hector Cintron,              | ) |                  |
| Defendant,                          | ) |                  |
| _____                               | ) |                  |

ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION  
May 7, 2004

SWARTWOOD, M.J.

I. Nature Of The Offense And The Government's Motion

On April 28, 2004, an Indictment was returned charging Lenny Jimenez-Beltres ("Mr. Jimenez-Beltres"), with illegal re-entry of a previously deported alien, in violation of 8 U.S.C. § 1326(a).

At Mr. Jimenez-Beltres initial appearance/arraignment on May 6, 2004, the Government moved for a detention hearing in accordance with 18 U.S.C. §§ 3142(f)(1)(D) (Mr. Jimenez-Beltres is charged with a felony and has been convicted of two or more offenses described in paragraphs (A) through (C) of Section 3142(f)(1)(A), or two or more state or local offenses that would have been offenses

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<sup>1</sup>At Defendant's arraignment, his counsel advised the Court that the correct spelling of his client's name is "Lenny Jimenez-Beltres". Therefore, I will refer to the Defendant by the correct spelling of his true name.

described in paragraphs (A) through (C) of such section if federal jurisdiction had existed) and (f)(2)(A)(risk of flight). After arraignment and after explaining to Mr. Jimenez-Beltres his right to a hearing on the Government's motion for detention, Mr. Jimenez-Beltres waived his right to such a hearing and assented to an Order of Detention.

## II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,  
IT IS ORDERED:

1. That Mr. Jimenez-Beltres be committed to the custody of the Attorney General, or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Jimenez-Beltres be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Jimenez-Beltres is detained and confined shall deliver Mr. Jimenez-Beltres to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145 (b) .

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
MAGISTRATE JUDGE